IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.2735 OF 2005

IN

SUIT NO.2914 OF 2004

International Catalyst Ltd.

and another. ..Plaintiffs.

vs.

I.D.B.I. & others. ...Defendants.

Mr.A.N.Jakhadi, for Plaintiffs.

Ms.Shilpa Kamble i/b. Shukla & Shukla, for Defendants.

CORAM: D.K.DESHMUKH,J.

DATED: 21st April,2007

P.C.:-

1. This is a notice of motion taken out by the plaintiffs. The plaintiffs have filed the suit for recovery of damages against the defendant no.1-bank. The first prayer in the notice of motion is that the two cheques which are mentioned in prayer clause (a) should be deposited by the bank with the Court. The reason given is that because the payment has already been made to the bank if the bank is not directed to deposit the cheques in this Court, the bank may encash the cheques. The admitted position is that one of the cheques when was presented with the bank was dishonoured. The other cheque admittedly though of the year 2004 has not been presented by the bank for encashment. In such a situation no purpose will be served by granting such relief.

2. By prayer clause (b), a prayer is made for direction to the defendants to report about the disposal of the immovable properties. Admittedly, disposal of the immovable properties of the

plaintiffs by the bank is in pursuance of the order passed by the Debt Recovery Tribunal. The plaintiffs are obviously the party in the case before the Debt Recovery Tribunal and therefore, any information that is to be obtained by the plaintiffs from the defendants, the plaintiffs will have to apply to the Debt Recovery Tribunal. Therefore relief under prayer clause (b) cannot be granted.

3. By Prayer clause (c), the plaintiffs claim an injunction restraining the defendants from using in any criminal proceedings the said two cheques against the plaintiffs. Such a relief can never be granted by the Civil Court. None of the reliefs claimed by this notice of motion can be granted. The notice of motion, therefore, is disposed of.